

III. REMARKS

Claims 1-7 and 15-18 are pending in this application. Claims 8-14 were previously withdrawn and, by this amendment, are canceled. Claims 1 and 15 are objected to for informalities. Claims 1-7 and 15-16 are rejected under 35 USC 102(e) as allegedly being anticipated by Barker et al., US 6646013 ("Barker") and 35 USC 103(a) as allegedly being unpatentable over Barker et al., US 6646013 ("Barker"). Claims 1, 6, 7, 15 and 16 have been amended. Claims 8-14 are canceled in response to a restriction requirement. Claims 17 and 18 are new. Applicant respectfully traverses the 35 USC 102(e) and 35 USC 103(a) rejections for the reasons provided below.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

A. DESCRIPTION OF AMENDMENTS TO THE CLAIMS

In response to restriction requirements, Applicant has amended claims 1 and 15 to delete all plants with the exception of *Salix alba* and has canceled claims 8 through 14.

Claims 6 and 7 have been amended to use the notation of "0.5" rather than "0,5" in the original.

Claim 16 has been amended to conform the preamble of this dependent claim with other dependent claims.

Claim 1 (and similarly claim 15) has been amended to read "said extract contains a water soluble component having a molecular weight of 192.15 Daltons." New claim 17 (and similarly claim 18) has been added to read "A pharmaceutical composition according to claim 15 further comprising at least one water soluble component selected from a group consisting of: a water soluble component have a molecular weight of 353.28 Daltons, a water soluble component have a molecular weight of 109.09 Daltons, and a water soluble component have a molecular weight of 97.1 Daltons." Support for these amendments may be found in the specification at [0049] (p.15 *Example 4*).

B. OBJECTION TO CLAIMS

In the Office Action, claims 1 and 15 are objected to for informalities requiring Latin names to be italicized. Without conceding the correctness of the Office's interpretation, and to facilitate early allowance of the pending claims, claims 1 and 15 have been so amended. In response to restriction requirements, Applicant selected *Salix alba*. Applicant has deleted all other plant references and italicized the Latin name. Accordingly, Applicant asserts that the bases for the Office's objection have been obviated and respectfully request withdrawal of the objection.

C. REJECTION OF CLAIMS 1-7 and 15-16 UNDER 35 USC §102(e) and 103(a)

With regard to the 35 USC §102(e) and 35 USC §103(a) rejection over Barker, Applicant asserts that Barker does not teach each and every feature of the claimed invention and Barker does not suggest each and every feature of the claimed invention.

Specifically regarding the Office's rejections of claim 1 (and similarly claim 15), Applicant submits that Barker fails to teach each and every feature of claim 1 (and similarly claim 15), as amended.

Applicant has amended claim 1 (and similarly claim 15) to read "said extract contains a water soluble component having a molecular weight of 192.15 Daltons." Barker does not teach or suggest this feature. The Office cites C.28 l.19-25, C.26 l.58-67, and C.27 l.1-7 in support of its allegations. The reference teaches salicin, an extract of *Salix alba*, with a molecular weight of 286.28 Daltons. Applicant's claim 1 (and similarly claim 15), as amended, recites a composition that is an extract of *Salix alba* with a water soluble component with a molecular weight of 192.15 Daltons. A review of Barker in its entirety reveals that Barker does not teach or suggest Applicant's claimed composition, as amended.

For all of the above stated reasons and all previously submitted arguments, Applicant submits that claim 1 (and similarly claim 15), as amended, is not anticipated by Barker. Applicants reiterate the foregoing arguments with respect to claim 1 for independent claim 15 and respectfully request that the Office withdraw the rejection of independent claims 1 and 15 under 35 USC §102(e) and 35 USC §103(a).

With respect to the dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the

claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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